

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2004/000815

International filing date (day/month/year)
25.11.2004

Priority date (day/month/year)
27.11.2003

International Patent Classification (IPC) or both national classification and IPC
H04N7/14

Applicant
EX'OVISION B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
 INTERNATIONAL SEARCHING AUTHORITY

International application No.
 PCT/NL2004/000815

Box No. 1 Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000815

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-22
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

International application No.

PCT/NL2004/000815

- V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

Cited Documents

1. Reference is made to the following documents:

- D1: EP-A-0 618 735 (ALCATEL SEL AKTIENGESELLSCHAFT; ALCATEL) 5 October 1994 (1994-10-05)
D2: WO 03/047253 A (EX'OVISION B.V; WINTZEN, ECKART, JOACHIM; KAPPETIJN, FREDERICK, KAREL;) 5 June 2003 (2003-06-05)
D3: PATENT ABSTRACTS OF JAPAN vol. 016, no. 312 (E-1230), 9 July 1992 (1992-07-09) -& JP 04 086161 A (MATSUSHITA ELECTRIC IND CO LTD), 18 March 1992 (1992-03-18)
D4: EP-A-0 503 432 (NIPPON TELEGRAPH AND TELEPHONE CORPORATION) 16 September 1992 (1992-09-16)

Art. 6 PCT

2. The reference in **claim 20** to a pivot axis that "extends as low as possible above the plane of the image reproducing means and at a predetermined distance from an edge of the image reproducing means" is unclear since it is unclear how could the pivot axis "extend as low as possible", contrary to the requirements of Art. 6 PCT (see PCT Preliminary Examination Guidelines III-4.7).

Present claim 20 corresponds to present claim 5 but lacks the essential feature (see Preliminary Guidelines 5.55 and 5.29) of **the support of claim 1** (page 10, lines 13 to 16), the one that allows a lower videophone in and open/closed position. Furthermore, these claims 5 and 20 are not concise (Art. 6 PCT).

In order to overcome this objection claim 20 should be deleted.

3. The definition of the mirror's position of claim 1 as "**between** the image reproducing means and the image recording means" is unclear. It appears that it should be

clarified with **claim 4**: so as to explain why the apparatus is intended for "communication with **eye contact**". For what it appears essential (Preliminary Guidelines 5.29).

In order to overcome this objection claim 1 should include claim 4.

Art. 33 PCT

4. The application does not appear to satisfy the criteria set forth in Art. 33 PCT as to inventive step.
 - 4.1. Document **D2** (WO 03/047253; see FIG 1) discloses an apparatus for communication with eye contact, comprising:
 - i. a substantially flat image reproducing means 3 for reproducing an image;
 - ii. an image recording means 6 for recording an image;
 - iii. mirror means arranged "between" (see objection 3 above) the image reproducing means and the image recording means and comprising an at least partly light-transmitting reflective surface for reflecting the image reproduced by the image reproducing means (clear from FIG. 1)
 - iv. a support 3,9 arranged on the underside of the image reproducing means, for supporting the apparatus on a surface therewith (see also support 40-44 in FIG. 6).
 - 4.2 Thus, the apparatus of D2 differs from the subject matter of claim 1 in that the image reproducing means form an acute angle with the underside of the support.
 - 4.3 However, document D1 (EP 0618735) teaches to incline the image reproducing means 9 in order to convey these means from the user (see col 3 lines 33 to 37).

- 4.4 Thus the skilled person would, in an obvious manner, provide the image reproducing means with an acute angle with the underside of the support to achieve the advantage mentioned above and arrive at an apparatus as defined in claim 1.
- 4.5 Thus, **claim 1** does not appear to meet the criteria of Art. 33(3) PCT. The same applies, obviously, to claim 20 (see objection in point 2 above).
5. None of the dependent claims appears to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:
- i. Angles according to **claims 2-3** are suggested by **D1**. The angle of 45 degrees of **claim 4** is disclosed in **D2** (see figure 1).
 - ii. A pivot shaft according to **claims 5-7, 20** appears to be suggested by **D1** as well, since (see FIG. 4) when the skilled person tilts the image reproducing means as suggested by **D1**, he would immediately transfer the realisation of FIG. 4 of **D1**, where the axis between plane G and the mirror's plane extends as low as possible (...), to the pivot shaft of **D2**.
 - ii. **Claims 8-19, 21, 22**: Sound reproducing and recording means, a central processing unit, an LCD with increased brightness, a half mirror, a coding/decoding unit, etc are standard features in videophones and in particular disclosed in **D2**.

M. Pavón Mayo

EUROPEAN PATENT OFFICE

Patent Abstracts of Japan

PUBLICATION NUMBER : 04086161
PUBLICATION DATE : 18-03-92

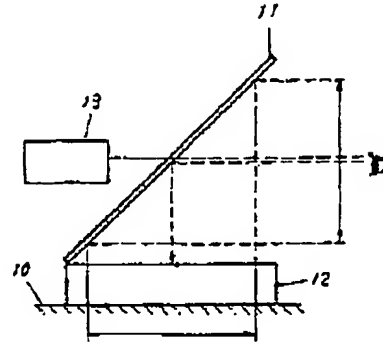
APPLICATION DATE : 30-07-90
APPLICATION NUMBER : 02202149

APPLICANT : MATSUSHITA ELECTRIC IND CO LTD;

INVENTOR : YASUOKA HIDEJI;

INT.CL. : H04N 5/225 H04M 1/02 H04N 5/74
H04N 7/14

TITLE : PICTURE TRANSMISSION AND
RECEPTION EQUIPMENT FOR VISUAL
TELEPHONE



ABSTRACT : PURPOSE: To enable both speakers to have a conversation with each other while watching monitor faces by using properties of the transmission face and the reflection face of a half mirror to physically align optical axes of a reception picture and a transmission picture.

CONSTITUTION: The reflection face of a half mirror 11 is directed to a display device 12 and is set at 45° to a main body set face 10 so that the image on the display device 12 is projected, thereby projecting the image on the display device 12 to the reflection face of the half mirror 11. A camera 13 set at the rear of the rear transmission face side of the half mirror 11 receives a scene in the direction of the reflection face of the half mirror 11, namely, the image of a speaker. The image on the display device 12 is inverted by electric signal processing and is inverted again by reflection on the half mirror 11 and is projected as the original image. Thus, both speakers have a conversation in the more natural state while turning their eyes upon each other.

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